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PART III

Judicial Department

THE HIGH COURT OF KERALA

(2)

NOTIFICATIONS

(1)

No. A5-24908/2011.

1st September 2011.

Ref: (1) High Court Notification No. D1 (A) 76126/2005
dated 5-11-2005.

(2) Rule 3 I(c) of the Kerala High Court (Right to
Information) Rules, 2006.

In modification of the High Court Notification referred to above, the Honourable the Chief Justice, in exercise of the powers conferred under the rule read above, is pleased to designate the Assistant Public Relations Officer of the High Court as the Public Information Officer for the High Court to deal with the requests for information received in the High Court under the Right to Information Act, 2005.

No. A5-67851/2006.

17th October 2011.

In exercise of the powers conferred by Article 229 of the Constitution of India, the Honourable the Acting Chief Justice hereby makes the following amendment to the Kerala High Court Service Rules, 2007, namely:

Amendment (C.S. No. 15)

In the Rules,

In Annexure 1, in the methods of appointment prescribed for the category of Superintendent (Vehicles) (ie. Category 1 under Sub Division 11 of Division 1), the words "or recruitment by transfer" shall be inserted after the words "Government Service" occurring in Column 4.

The above amendment shall come into force with immediate effect.

By order,

A. V. RAMAKRISHNA PILLAI,
Registrar General.

Kochi.

THE HIGH COURT OF KERALA**NOTIFICATION**

No. A1-47320/2009(2).

*17th October 2011.***THE KERALA HIGH COURT SERVICE
[CONDUCT OF JUDICIAL TEST (HIGHER)] RULES,
2009]**

In exercise of the powers conferred by Article 229 of the Constitution of India and in implementation of the provisions of Rule 38 of the Kerala High Court Service Rules, 2007, the Chief Justice hereby makes the following rules for the prompt and proper conduct of the Judicial Test (Higher).

1. The Rules may be called the Kerala High Court Service [Conduct of Judicial Test (Higher)] Rules, 2009. It shall come into force at once.

2. *Definitions*:—The words and the phrases defined in the Kerala High Court Service Rules, 2007 shall have the same meaning when used in these rules also. In these rules, unless the context otherwise requires,—

(a) “Board of Examiners” means the Board of Examiners in-charge of the conduct of Judicial Test (Higher), consisting of the Registrar General and Registrar (Recruitment & Computerisation) of the High Court and the Director and the Additional Director of the Kerala Judicial Academy;

(b) “Judicial Test (Higher)” means the test treated as equivalent to the qualification of possessing the Law Degree for promotion/appointment by transfer, as provided in rule 38 of the Kerala High Court Service Rules, 2007;

(c) “Registrar General” means the Registrar General of the High Court of Kerala;

(d) “Service” means the Kerala High Court Service.

3. The High Court shall conduct the Judicial Test (Higher) Examination every year, preferably during the summer vacation of the High Court.

4. A member of the Service, who is the holder of a Degree in any discipline other than Law awarded or recognised by any of the Universities in Kerala, shall be eligible to apply for and write the Test, subject to the further stipulations made in these rules.

5. The applicants will be required to remit an applications fee of ₹ 20 and an examination fee of ₹ 150 for each paper of the examination or at such higher rates, as may be fixed by the Chief Justice from time to time. The fee shall be paid by Demand Draft drawn in favour of ‘The Registrar General, High Court of Kerala’ payable at Ernakulam. Fees once paid will not be refunded.

6. The Test will have three parts, viz., Parts I, II and III and each part will consist of five papers. The syllabus shall be as prescribed in the Annexure to these rules.

7. An applicant may opt to appear for one of the three parts in one year and complete the three parts in three successive years. It shall be optional for an applicant to apply for and write the whole of the

examination in three parts in one year or to write the papers in each part compartmentally.

8. Maximum marks for each paper shall be 100 (as prescribed in the annexure) and the minimum marks for a pass in each paper shall be 40. Those members of the service who clear each of the 15 papers with not less than the stipulated minimum marks shall be declared as having passed the Test and on such declaration, he (if otherwise found eligible and suitable) shall be considered for promotion/appointment by transfer to the categories for which Judicial Test (Higher) is prescribed as a qualification.

9. The Examination Wing working under the Registrar (Recruitment & Computerisation) shall make necessary arrangements for the conduct of the Test, and it shall maintain all Registers and Accounts required to be maintained in connection with the conduct of the Test. The Accountant of the High Court shall be responsible for the maintenance of accounts and the financial transactions pertaining to the conduct of the Test.

10. The Examination Wing will publish on the Notice Board and in the website of the High Court, during January every year, a notification inviting applications in the prescribed format from eligible members of the Service for the Test to be conducted during that year. Filled in applications shall be submitted along with the prescribed fee during the month of February. Applicants need not submit copies of certificates or testimonials, and their eligibilities shall be decided on the basis of their service records maintained by the High Court.

11. Setting of question papers, conduct of the Test, valuation of answer papers, declaration of results and all other matters connected with the conduct of the Test shall be done under the authority and control of the Board of Examiners. Copying or any other form of malpractice shall be prohibited. The Board of Examiners may debar any candidate found to be indulging in any malpractice from appearing for the Judicial Test (Higher) permanently.

Provided that the Chief Justice may review the decision/order and permit any such candidate so debarred, to appear for the Test after a period of two years.

12. The board of Examiners shall decide the schedule of examination during the first week of March. As soon as the schedule is fixed, the Examination Wing will issue Admission Tickets to the admitted candidates.

13. A panel of serving/retired Law College Lecturers and or practising Advocates will be maintained for preparing question papers. Question banks shall be prepared on various subjects for setting the question papers. The Board of Examiners shall get two sets of question papers on each paper set by any member of the panel and shall select one of the two sets for the test. After the test, the answer papers shall be collected and allotted false numbers. Valuation of answer scripts of each paper shall be entrusted to a member of the panel, preferably the one who set the question paper. The remuneration for the members on the panel will be left open to be decided by the Chief Justice, depending upon the nature of work in each case.

14. The Board of Examiners shall engage a member of the Panel or an experienced Officer of the High Court as the Chief Superintendent and another as the Assistant Superintendent. The Board of Examiners may also engage any Officer of High Court as an Invigilator. It shall be the responsibility of the aforesaid officers to comply with all procedural formalities required for the conduct of the test including identification of the candidates, verification of their signature and compilation of answer scripts. The Chief Justice may order payment of a reasonable amount as remuneration to the Examiners, the Superintendents and the Invigilator.

15. On completion of the examination, the Superintendent shall record the number of the Main Answer Book and the Additional Sheets used and shall hand over the answer books in a sealed cover to the Registrar (Recruitment & Computerisation).

16. The Board of Examiners shall ensure that there is no scope for any malpractice or any allegation of malpractice in the conduct of the test, valuation and declaration of result.

ANNEXURE

JUDICIAL TEST (HIGHER)

SYLLABUS

Division of Marks

Part I

- | | | |
|-----------------------------------|----|--|
| 1. Jurisprudence & Legal Language | .. | Jurisprudence—85%
Legal Language—15% |
| 2. Constitutional Law | | |
| 3. Penal Laws | .. | Principles of Criminology & Penology—5%.
Indian Penal Code—80%.
Principles adopted in specific Criminal Legislations like NDPS Act, Abkari Act, Prevention of Food Adulteration Act, etc.—15%. |
| 4. Law of Torts | .. | Principles of Torts—80%.
Specific Torts like Motor Accidents Claims, Consumer Claims (Consumer Protection Act), Workmen's Compensation, Fatal Accidents, Railway Claims—20%. |
| 5. Law of Contracts | .. | Contract Act—70%.
Sale of Goods Act—10%.
Negotiables Instruments Act—10%.
Specific Relief Act—10%. |

Part II

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|-----------------------|----|---|
| 6. Administrative Law | .. | Principles of Administrative Law and Principles of Judicial Review—70%.
High Court Act & Rules—20%.
Ombudsman, Tribunals—10%. |
| 7. Company Law | .. | Companies Act & Rules—80%.
SEBI & related Legislations—20%. |
| 8. Property Laws | .. | Transfer of Property Act—70%.
Land Acquisition Act—10%.
Land Assignment Act—10%.
Registration Act—5%.
Stamp Act—Central & State—5%. |
| 9. Service Laws | .. | Constitutional Principles (Articles 309-312)—10%.
Kerala Service Rules—20%.
Kerala State & Subordinate Service Rules
Part I & II —20%.
Kerala Government Servants' Conduct Rule—10%.
Kerala Civil Services (Classification, Control & Appeal) Rules—20%.
Kerala High Court Service Rules—10%.
High Court Office Manual —10%. |
| 10. Family Law | .. | Law of Marriage & Divorce (Hindu, Muslim & Christian)—40%.
Law of Succession (Hindu, Muslim & Christian)—40%.
Law of Guardianship & Adoption—10%.
Law of Maintenance—10%. |

Part III

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|----------------------|----|---|
| 11. Law of Elections | .. | Law of Elections to Legislative Assembly & Parliament—85%.
Law of Elections to Local Self Government Institutions—15%. |
|----------------------|----|---|

12. Civil Procedure	.. Civil Procedure Code—70%. Kerala Court Fees & Suits Valuation Act—15%. Kerala Civil Rules of Practice—15%.	6. Public International Law
13. Criminal Procedure	.. Criminal Procedure Code—80%. Criminal Rules of Practice—20%.	7. Private International Law
14. Law of Evidence & Limitation	.. Evidence Act—80%. Limitation Act—20%.	8. Labour Law—I
15. Interpretation of Statutes	.. Interpretation of Statutes—60%. General Clauses Act—10%. Legal Drafting, Pleading & Conveyancing—30%.	9. Labour Law—II
		10. Taxation Law—I
		11. Taxation Law—II
		12. Principles of Legislation, Legislative Drafting, Professional Ethics & Advocacy
		13. Arbitration, Conciliation & ADR Systems
		14. Moot Court, pre-trial preparations and participation in trial proceedings.

C. AMBIKA,
Deputy Registrar.

Note.—The above syllabus has been prepared taking into consideration the syllabuses of various Universities, nature of work of High Court employees and the recommendations of the Rule Committee. The syllabus of the 3 year LL.B Course conducted in Government Law Colleges is mainly followed. In Government Law Colleges, the 3 year LL.B Course is conducted in 6 semesters with 36 papers and each paper with 100 marks. In these 36 papers, some are combined to form a single paper, some are conveniently grouped and some others are excluded in order to make the above 15 papers. When papers are combined/ grouped some topics have been excluded in order to ensure balance in the workload. Besides this, the following papers of LL.B have been excluded:

1. Consumer Protection Law
2. Human Rights Law
3. Environmental Law
4. Banking Law
5. Public Interest Lawyering, Legal Aid and Paralegal Services

District Court, Kasaragod

No. A1-6690/2011. 25th October 2011.

Read:—(1) Proceedings Order No. A1 6690/2011 dt. 12-9-2011 of this Court.

(2) High Court Circular No. 9/1986 dt. 9-7-1986.

(3) G O. (P) No. 154/2009/Fin. dt. 1-4-2009.

ORDER

As per the paper read 1st above, Sri. P. Kunhikannan, Sheristadar, Sub Court, Hosdurg has been sanctioned commuted leave for 152 days from 1-11-2011 to 31-3-2012 as Leave Preparatory to Retirement subject to the eligibility under Rule 84 Part-I, K.S.R.

He is directed to hand over the charge of the office to the Junior Superintendent or to the substitute appointed by the Hon'ble High Court as the case may be and will forward the report of transfer of charges as usual.

T. V. MAMMOOTTY,
District Judge.